

**REMARKS*****Election/Restrictions***

Applicant has canceled claims 5, 6, 8, 9, 12, 13, 15, 16, 21, 22, 24, 25, 28, 29 and 31 without prejudice, but retains the right to file same in a divisional application.

***Specification***

Applicant has amended the title to be descriptive. Entry of same and withdrawal of the objection is requested.

Applicant has canceled claims 1-16 and added new dependent claim 33 which claims the ability of the pump to stop rapidly. Entry of same is requested.

***Claim Rejections - 35 U.S.C. JP 61-162980 §§102, 103***

Claims 1, 14, 17 and 30 were rejected under 35 U.S.C. §102(b) as allegedly being clearly anticipated by United States Patent No. 4,481,786 to Bashark because the Examiner has decided that step (b) of claims 1 and 17 is effectively optional (if the second period equals zero). Claims 1 and 14 have been canceled. Applicant submits that step (b) of claim 17 is *not* optional. Step (b) requires "stopping the pump for a second period of time" less than 10% of the first period of time. The use of the word "stopping" in this step requires that the pump actually stop and therefore, the second period of time must be non-zero. Furthermore, step (b) also requires that the "second period of time being such that the flow rate reduces substantially to zero". Clearly, it would be impossible for the flow rate to reduce to zero if the period of time for which the pump was stopped was zero. Accordingly, when claim 17 is read as a whole, Applicant submits that it is clear that step (b) is *not* optional as the second period of time must be non-zero.

Applicant submits that the operation of the "water drain or pump out mode" as disclosed in Bashark does not anticipate the present invention as claimed when step (b) of claim 17 is considered.

In Bashark, a motor torque averaging routine is used to detect the decrease in average motor torque which occurs when substantially all of the water has been discharged into the drain line. Bashark discloses a number of software routines used to monitor the changes in motor torque due to the load on the motor decreasing as a result of the water being pumped from the washing machine. The motor torque averaging routine is structured such that in order to detect the decreasing motor torque occurring when water is pumped from the machine, but the subroutine is also used to set the maximum and minimum time limits on the overall drain procedure. The process is continuous until a minimum threshold is reached thereby discontinuing the drain pump operation.

Therefore, Applicant submits that Bashark does not anticipate and does not render obvious claim 17. Reconsideration and allowance is requested.

Claims 1-4, 7, 10, 11, 14, 17-20, 23, 26, 27 and 30 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by, or under 35 U.S.C. §103 as allegedly being unpatentable over, JP 61-162980 (Abstract only). Claims 1-16 have been cancelled.

JP 61-162980 discloses a controller for a washing machine which controls the drive motor which drives the washing and draining operations intermittently at the initial draining stage.

Step (b) of claim 17 requires that the second period of time is such that the flow rate reduces substantially to zero and that the pump is stopped. Figure 3 of JP 61-162980 shows a graph of motor speed (rpm) versus time. At no point after the motor is started does the motor speed return to zero except once dewatering ends. Accordingly, JP 61-162980 does not

disclose a sequential start/stop series wherein the pump (and flow rate) stops as required by claim 17.

Therefore, Applicant submits that JP 61-162980 does not anticipate and does not render obvious claim 17. Reconsideration and allowance is requested.

Claims 17-20, 23, 26, 27 and 30 are dependent upon claim 17 which Applicant submits is in condition for allowance. Reconsideration and allowance of these claims is requested.

#### ***New Claim 33***

New claim 33 is dependent upon claim 17 and claims the ability of the pump to stop rapidly. This limitation had previously been provided for in independent claim 1 and the Examiner advised that claim 1 was a substantial duplicate of claim 17. Therefore, claim 1 has been canceled and claim 33 provided. Entry is requested. Claim 3 is dependent upon claim 17 which Applicant submits is in condition for allowance. Therefore, allowance of claim 33 is requested.

#### ***Information Disclosure Statement***

Applicant submitted an Information Disclosure Statement on April 28, 2005. Entry and consideration is requested.

In view of the above, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: May 23, 2005

By: Raiford A. Blackstone, Jr.  
Raiford A. Blackstone, Jr., Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
TREXLER, BUSHNEIL, GIANGIORGI  
BLACKSTONE & MARR, LTD.  
105 W. Adams Street  
Suite 3600  
Chicago, Illinois 60603  
(312) 704-1890

811780